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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)	
Southwestern Bell Telephone Company)	
Tariff F.C.C. No. 73)	Transmittal Nos. 2470
)	and 2489
)	CC Docket No. 95-158
Request for Confidential Treatment)	

MOTION TO CLOSE INVESTIGATION AS MOOT

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Southwestern Bell Telephone Company (SWBT), pursuant to 47 C.F.R. Section 1.41, hereby respectfully requests that the investigation, designated in the Order Initiating Investigation,¹ be closed. The tariff transmittal which was placed under investigation has been withdrawn. Therefore, there is no pending transmittal to investigate and the proceeding should be declared moot.

I. BACKGROUND

On June 16, 1995, SWBT filed Transmittal No. 2470 proposing to provide 155 Mbps of protected bandwidth to a particular customer at individual case basis (ICB) rates. On August 14, 1995, SWBT supplemented the cost support information submitted with Transmittal No. 2470, upon the informal recommendation of the Commission staff for a disaggregated listing

¹ In the Matter of Southwestern Bell Telephone Company Tariff F.C.C. No. 73, Transmittal Nos. 2470, 2489, CC Docket No. 95-158 (Com. Car. Bur., released October 13, 1995) (DA 95-2156) (Investigation Order).

of SWBT's cost support information. SWBT requested that this additional cost support information be treated as confidential.

The Investigation Order found that SWBT's request for confidential treatment did not meet the threshold requirements and designated a single issue for remaining investigation: "Is the cost support information SWBT submitted with Transmittal No. 2470 sufficient to support the ICB service proposed therein under the Commission's rules and policies."² On November 28, 1995, SWBT withdrew the material filed with Transmittal Nos. 2470 and 2489 after the customer for the ICB service advised SWBT that it no longer desired the stated services.

II. THE INVESTIGATION CAN NO LONGER RESOLVE A PENDING TRANSMITTAL.

Since the tariff transmittals which were the subject of the investigation have been withdrawn, the investigation can no longer rule upon them in anything other than an advisory capacity. While the question of the proper level of cost support for an ICB tariff filing is still an active question, it can no longer be resolved in anything but a theoretical manner in the context of this investigation. Therefore, SWBT respectfully suggests that the proceeding be declared moot and the investigation cancelled.

² Investigation Order at para. 9.

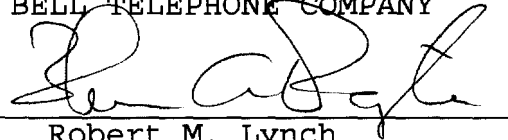
III. CONCLUSION

For the foregoing reasons, SWBT respectfully requests that the Commission close the investigation designated as CC Docket No. 95-158, as moot.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By



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January 30, 1996

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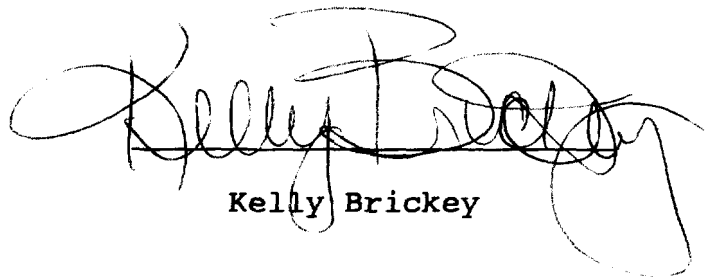
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CERTIFICATE OF SERVICE

I, Kelly Brickey, hereby certify that the foregoing "Motion to Withdraw Application for Review of Southwestern Bell Telephone Company", have been served January 30, 1996 to the Parties of Record.

A handwritten signature in cursive script, appearing to read "Kelly Brickey", is written over a horizontal line. The signature is fluid and somewhat stylized, with the first and last letters being capitalized and prominent.

Kelly Brickey

January 30, 1996